

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jürgen Schlegel et al.

Serial No.: 09/508,301

Group Art Unit:

Filed: March 9, 2000

Examiner:

For: METHOD AND DEVICE FOR PROCESSING FRESH MEAT

PETITION FOR FILING PATENT APPLICATION
BY OTHER THAN ALL THE INVENTORS - 37 CFR 1.47(a)

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The inventors of the above-identified application, Mr. Hubert Verhaag and Mr. Wilfried Schwörer, respectfully petition to have the above-identified application accepted absent the signature of one joint inventor, Mr. Jürgen Schlegel, who has refused to join in the application.

1. The above-identified application is based upon German patent no. DE 197 39 789.1 having a filing date of September 10, 1997. See Exhibit A.

2. The German priority document was followed by International Publication No. WO 99/12428 having an International Publication Date of March 18, 1999. See Exhibit A. See also, European document no. EP 1014800 and Australian document no. AU 9539398.

3. The cover page of the International Publication clearly identifies the three joint inventors of the above application, Mr. Jürgen Schlegel, Mr. Hubert Verhaag and Mr. Wilfried Schwörer. See Exhibit A and Exhibit B Declaration of Hubert Verhaag at ¶ 4.

4. Each of the inventors were owners of Applicant Vivotec New Concepts in Fresh Meat GmbH, a German corporation, at the time the German priority document was filed. See Verhaag Declaration at ¶ 8.

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Legal Staff
International Division

5. Inventor Schlegel has refused to join in the above-identified application by expressly refusing to sign a declaration and power of attorney or an assignment. See Verhaag Declaration at ¶ 10-13.

6. Mr. Schlegel's full legal name and last known address is:

**Mr. Jürgen Schlegel
Hauptstrasse 9
79224 Umkirch
Germany**

See MPEP 409.03(e).

7. As discussed in the attached declaration of joint inventor Hubert Verhaag, Mr. Schlegel worked for Vivotec New Concepts in Fresh Meat GmbH from January 28, 1997 until October 31, 1998. See Verhaag Declaration at ¶ 8.

8. Following Mr. Schlegel's departure in October 1998, Mr. Schlegel sold his 33 1/3 share in equal percentages to Mr. Verhaag and Mr. Schwörer. See Verhaag Declaration at ¶ 9.

9. A copy of the share sale agreement from Mr. Schlegel to Mr. Verhaag and Mr. Schwörer, in German, is attached as Exhibit C. Mr. Schlegel's signature executing the document on December 7, 1998 is found on page 11.

10. On May 3, 2000, in a diligent effort to convince Mr. Schlegel to join in the application, Mr. Verhaag personally approached Mr. Schlegel while they were both attending the MEFA fair in Zurich, Switzerland. See Verhaag Declaration at ¶ 10.

11. Mr. Schlegel was working at a booth at the fair for a company by the name of Koch. See Verhaag Declaration at ¶ 10.

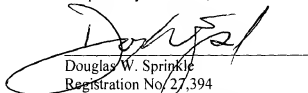
12. Following Mr. Verhaag's request to Mr. Schlegel, Mr. Schlegel expressly refused to sign the assignment and declaration and power of attorney. See Verhaag Declaration at ¶ 11. See MPEP 409.03(d).

13. It is Mr. Verhaag's understanding, based upon his direct contact with Mr. Schlegel, that Mr. Schlegel will continue to refuse to join in the above application since he has left the company and no longer has anything to do with this matter. See Verhaag Declaration at ¶ 12-13.

14. Attached herewith are copies of the declaration and power of attorney and assignment bearing the signatures of Mr. Hubert Verhaag and Mr. Wilfred Schwörer. Exhibit D. The signature space for Mr. Schlegel is blank as a result of his refusal to sign. Therefore this declaration should be treated as having been signed by all available inventors on behalf of the non-signing inventor. See MPEP 409.03(a). Also attached with Exhibit D is a copy of the Verified Statement of Small Entity Status signed by Mr. Verhaag as Managing Director for Vivotec New Concepts in Fresh Meat GmbH.

Despite his cooperation in the prosecution of the German priority document and the International Publication, inventor Jürgen Schlegel has refused to join in the above-identified U.S. application that is based upon those preceding references. In view of the refusal of Mr. Schlegel to join in the present application, inventors Verhaag and Schwörer are entitled to make such application on behalf of themselves and Mr. Schlegel. The required fee pursuant to 37 CFR 1.17(h) is enclosed. Therefore, in view of the above information and facts, the inventors respectfully request that this petition be granted.

Respectfully submitted,



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